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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peter B. D rvan  
Title: REGULATION OF HER/2 neu  
ONCOGENE EXPRESSION BY  
SYNTHETIC POLYAMIDES  
Appl. No.: 09/807,355  
Filing Date: 04/10/2001  
Examiner: Unassigned  
Art Unit: 1646

**CERTIFICATE OF MAILING**  
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.

DIANE GARCIA  
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[Signature]  
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10-10-2001  
(Date of Deposit)

#7 1/2/1  
TBary

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.56**

Commissioner for Patents  
Box PATENT APPLICATION  
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.



Atty. Dkt. N . 02508286

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b) before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date October 5, 2001

By Michael A. Whittaker

FOLEY & LARDNER  
Customer Number: 23620

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**23620**

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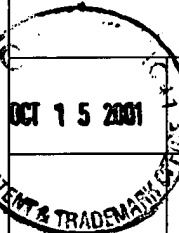
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Form PTO-1449 (MODIFIED)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 025098-2802		SERIAL NO. 09/807,355	
<b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)				APPLICANT Peter B. Dervan			
				FILING DATE 04/10/2001		GROUP ART UNIT 1646	
<b>U.S. PATENT DOCUMENTS</b>							
INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	A1	4766142	8-23-98	Arcamone et al.	514	422	
	A2	4912199	3-27-90	Lowe et al.	530	331	
	A3	5273991	12-28-93	Lee	514	397	
	A4	5502068	3-26-96	Lown et al	514	397	
	A5	5578444	11-26-96	Edwards et al.	435	6	
	A6	5753629	05-19-98	Beria et al	514	18	
	A7	5776502	07-07-98	Foulkes et al.	424	617	
<b>FOREIGN PATENT DOCUMENTS</b>							
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
	A13	WO 92/13091	8-6-92	PCT			
	A14	WO 93/13739	7-22-93	PCT			
	A15	WO 94/20463	9-15-94	PCT			
	A16	WO 97/03957	2-6-97	PCT			
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
	A24	Arcamone, et al., "Synthesis, DNA binding and antiviral activity of distamycin analogues containing different, heterocyclic moieties," Anti-Cancer Drug Design, 1986, Vol. 11, p. 235-244.					
	A25	Arcamone, et al., "Synthesis, DNA-binding properties, and antitumor activity of novel distamycine derivatives," J.Med.Chem., 1989, Vol. 32, p. 774-778.					
	A26	Beran et al., "Tallimustine, an effective antileukemic agent in a severe combined immunodeficient mouse..." Clinical Cancer Research, 1997, Vol. 3, p. 2377-2384.					
	A27	Benz et al., "HER2/Neu and the Ets transcription activator PEA3 are coordinately upregulated in human breast Cancer," Oncogene, 1997, Vol. 15, p. 1513-1525.					
	A28	Bosher et al., "The developmentally regulated transcription factor AP-2 is involved in c-erbB-2 overexpression in human mammary carcinoma," Proc. Nat. Acad. Sci. USA, 1995, Vol. 92, p. 744-747.					
<b>EXAMINER</b>				<b>DATE CONSIDERED</b>			
* <b>EXAMINER:</b> Initial if citation is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include any copy of this form with next communication to applicant.							

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A29	Chang et al., "EXS: a structurally unique Ets overexpressed early during human breast tumorigenesis,"		
	Oncogene, 1997, Vol. 14, p. 1617-1622.		
A30	Cho et al., "Cyclic polyamides for recognition in the minor groove of DNA," Proc. Nat. Acad. Sci. USA, 1995,		
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A31	Ciucci et al., "Backbone and benzoyl mustard carrying moiety modifies DNA interactions of distamycin		
	analogues," Nucleic Acids Research, 1996, Vol. 24, No. 2, p. 311-315.		
A32	Cozzi et al., "Novel phenyl Nitrogen mustard and half-mustard derivatives of distamycin A," Bioorganic and		
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A33	Dennison et al., "Small-molecule-based strategies for controlling genes expression," Chemistry & Biology,		
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A34	Ebblinghaus, "Triplex formation inhibits HER-2/neu transcription in vitro," J.Clin.Invest, 1993, Vol. 92,		
	p. 2433-2439.		
A35	Geierstranger et al, "Design of a G-C-Specific DNA Minor Groove-Binding Peptide," Science, 1994, Vol. 266,		
	p. 646-650.		
A36	Gottesfeld et al., "Regulation of gene expression by small molecules," Nature, 1997, Vol. 387, p. 202-205.		
A37	Lown et al., "Novel linked antiviral and antitumor agents related to netropsin and distamycin: Synthesis and		
	biological evaluation," J.Med.Chem., 1989, Vol. 32, p. 2368-2375.		
A38	Mrksich et al., "Antiparallel side-by-side dimeric motif for sequence-specific recognition in the minor groove		
	of DNA..." Proc.Nat.Acad.Sci.USA, 1992, Vol. 89, p. 7586-7590.		
A39	Mrksich et al., "Antiparallel side-by-side dimeric motif for sequence-specific recognition in the minor groove		
	of DNA..." American Chemical Society, 1993, Vol. 115, p. 2572-2576.		
A40	Mrksich et al., "Design of a covalent peptide heterodimer for sequence-specific recognition in the minor groove		
	of double-helical DNA," J.of the American Chemical Society, 1994, Vol. 11, p. 3663-3664.		
A41	Mrkish, et al., "Hairpin Peptide Motif: A new class of oligopeptides for sequence-specific recognition in the		
	minor groove of double-helical DNA," J. of the Amer.Chem.Society, 1994, Vol. 116, p. 7983-7988.		
A42	Parks et al., Optimization of the hairpin polyamide design for recognition of the minor groove of DNA,"		
	J.Am.Chem.Soc., 1996, Vol. 118, p. 6147-6152.		
A43	Pasleau et al., "Expression of the c-erbB2 gene in the BT474 human mammary tumor cell line: measurement		
	of c-erbB2 mRNA half-life," Oncogene, 1993, Vol. 8, p. 849-854.		

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	A44	Pelton et al., "Structural characterization of a 2:1 distamycin A-d(CGCAAATTGGC) complex by two-dimensional NMR," Proc. Nat. Acad. Sci. USA, 1989, vol. 86, p. 5723-5727.	
	A45	Scott et al., "Binding of an ETS-related protein within the Dnase I hypersensitive site of the HER2/neu Promotor in human breast cancer cells," J. of Biological Chemistry, 1994, vol. 269, p. 19848-19858.	
	A46	Tal et al., "Human HER2 (neu) promoter: Evidence for multiple mechanisms for transcriptional initiation," Molecular and Cellular Biology, 1987, Vol. 7, No. 7, p. 2597-2601.	
	A47	Trauger et al., "Extension of sequence specific recognition in the minor groove of DNA by pyrrole-imidazole Polyamides to 9-13 base pairs," J. Am. Chem. Soc., 1996, Vol. 118, p. 6160-6166.	
	A48	Trauger, et al., "Recognition of DNA by designed ligands at subnanomolar concentrations," Nature, 1996, Vol. 382, No. 8, p. 559-561.	
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	A51	White et al., "Effects of the A-T/T-A degeneracy of pyrrole-imidazole polyamide recognition in the minor groove of DNA," Biochemistry, 1996, Vol. 35, p. 12532-12537.	
	A52	White et al., "On the pairing rules for recognition in the minor groove of DNA by pyrrole-imidazole polyamides," Chemistry & Biology, 1997, Vol. 4, No. 8, p. 569-578.	
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